

# EXHIBIT P

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Afraaz R. Irani, M.D., )

Plaintiff, )

vs. )

Palmetto Health; )

University of South )

Carolina School of )

Medicine; David E. Koon, )

Jr., M.D., in his )

individual capacity; and )

John J. Walsh, IV, M.D., )

in his individual )

capacity, )

Defendants. )

C/A No. 3:14-cv-03577-CMC-KDW

**COPY**

DEPOSITION OF

JEFFREY A. GUY, MD

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Tuesday, August 18, 2015

2:09 p.m. - 4:15 p.m.

The deposition of JEFFREY A. GUY, MD, taken on behalf of the Plaintiff at the law offices of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., 1320 Main Street, Suite 600, Columbia, South Carolina, on the 18th day of August, 2015, before Lyn A. Hudson, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition and/or agreement of counsel.

1 A: Yes.

2 Q: What was your impression of Dr. Irani during his  
3 rotation with you?

4 A: According to his report I think that he was  
5 satisfactory in some categories and marginal in some  
6 categories. I don't think I gave him a, he didn't get  
7 an unsatisfactory.

8 Q: Okay. Do you recall speaking with Dr. Walsh about Dr.  
9 Irani's job performance in September of 2011?

10 A: Not specifically. No.

11 Q: Okay.

12 (Plaintiff's Exhibit Number 5 was marked for identification  
13 purposes.)

14 Q: I'm going to show you Exhibit 5.

15 A: Okay.

16 Q: Have you ever seen Exhibit 5 before?

17 A: I don't believe I've seen this particular document that  
18 I remember.

19 Q: Okay. Well, we'll kind of walk through it a little  
20 bit. But it appears to be --

21 MS. THOMAS: If you're going to ask him about it  
22 then I get to talk with him, please.

23 MR. ROTHSTEIN: That's fine.

24 (Break - 3:03 p.m.-3:07 p.m.)

25 BY MR. ROTHSTEIN:

1 Q: Okay. Do you recall more than one faculty meeting with  
2 Dr. Irani being present?

3 A: I do not.

4 Q: Was it, is it pretty unusual to have a junior resident  
5 appear at a faculty meeting?

6 A: No.

7 Q: Okay. Do you recall Dr. Irani getting jumped on by  
8 Dr. Koon at this faculty meeting?

9 MS. THOMAS: Object to the form.

10 MS. HELMS: Objection to the form.

11 A: No.

12 BY MR. ROTHSTEIN:

13 Q: Do you recall Dr. Koon being fairly hostile toward Dr.  
14 Irani during this faculty meeting?

15 A: No.

16 Q: Do you recall a number of patient encounters being  
17 raised during this faculty meeting?

18 A: According to this memorandum, yes. Me directly memory,  
19 no.

20 Q: Okay. Did any of the patient encounters raised during  
21 that faculty meeting involve any of your patients?

22 A: No. Not that I recall.

23 Q: To your knowledge was Dr. Irani ever written up for any  
24 patient encounter with regard to any of your patients?

25 A: No.

1 think I've ever seen him upset.

2 Q: Would you describe Dr. Irani as an arrogant person?

3 A: No.

4 Q: Would you, have you ever observed Dr. Irani display an  
5 air of entitlement?

6 A: Entitlement?

7 Q: Yes.

8 A: No.

9 Q: Were there a number of issues that were raised during  
10 the faculty meeting in December of 2011 that seemed to  
11 take Dr. Irani by surprise?

12 A: I don't recall.

13 Q: Okay. Was he given an opportunity to do any type of  
14 research or review any of the records before he was  
15 asked to respond?

16 A: I don't recall.

17 Q: Okay. Did you agree with the decision to suspend Dr.  
18 Irani after the faculty meeting?

19 A: After the faculty meeting?

20 Q: Yes.

21 A: Yes.

22 Q: Okay. Do you recall any discussion by Dr. Koon about  
23 the required psychological evaluation with Dr. Parnell?

24 A: Did I -- can you repeat that?

25 Q: What was the purpose of the psychological evaluation?

1 Q: During that meeting do you recall telling Dr. Irani  
2 that you used three criteria to evaluate residents and  
3 that no resident is strong in all three of the  
4 criteria?

5 A: I've talked to him about that topic. I'm not sure it  
6 was that meeting.

7 Q: Okay. One of the criteria is academics?

8 A: Yes.

9 Q: Do you recall telling Dr. Irani that you believed that  
10 he was fine in academics and sort of on the higher end  
11 of the spectrum in that regard?

12 A: I told him he was academically as far as I understood  
13 fairly strong, yes.

14 Q: Okay.

15 A: I thought he was very, he was a very intelligent  
16 person, yes.

17 Q: The next criteria you used to evaluate people is  
18 surgical skills? Do you recall telling Dr. Irani that?

19 A: Again, not specifically, but yes. That would be, you  
20 know, I don't remember specifically having, saying  
21 that. But yes. That would be one of the things I say.

22 Q: Okay. And do you recall telling him at some point that  
23 at that stage in his training it's really too early to  
24 tell about his surgical skills but you would rate him  
25 either sort of average to an average minus?

1 A: Yes.

2 Q: And then do you recall telling Dr. Irani that the third  
3 criteria used to evaluate residents is in patient care  
4 and interactions with patients?

5 A: Yes.

6 Q: And is that the area are where you thought that Dr.  
7 Irani was sort of lacking?

8 A: Yes.

9 Q: Okay.

10 A: And I also believed going back to what you said before,  
11 that I said that those are the three criteria I think  
12 that are important to being a doctor. I don't  
13 remember, I don't think I would have said that nobody  
14 has all three specifically. I think that those are the  
15 things that I think make up a good doctor.

16 Q: Okay. Do you recall at some point before Christmas  
17 break telling Dr. Irani that his time off during his  
18 suspension might be a good way to break the cycle of  
19 being in the spotlight of his academic remediation?

20 A: I think so. I think I did say that. I think I wanted  
21 him to use his time to, you know, wisely. I was trying  
22 to get him to continue forward.

23 Q: At some point did you assure Dr. Irani that you would  
24 speak with Dr. Walsh about the investigation of trauma  
25 female 375?

1 phone, they need to call the office or call the  
2 operating room and say, I'm going to be late, period.  
3 I understand all the other stuff. It's the lack of  
4 communication. And when I communicate to them and they  
5 repetitively do it, then I have a problem.

6 Q: Okay. Now it says under overall integrity, needs to  
7 improve with his peers and staff, the next sentence  
8 under that same set of comments, what did you mean by  
9 that?

10 A: The same issue was happening. It was a complaint from  
11 the residents as well that he shows up late for rounds.  
12 And I've asked him before, I said, why did you show up  
13 late. And, you know, he doesn't necessarily have that  
14 great of an excuse. So those are, that was a comment  
15 that I thought that category is important. And I'm a  
16 very big communicator. I think communication is the  
17 root of most problems. And so, you know, communicating  
18 with people and showing up on time or letting people  
19 know you're going to be late I think is very important.

20 Q: On that same page under the question, what does the  
21 resident do well, you put very pleasant personality and  
22 appears to receive criticism well.

23 A: Yes.

24 Q: In your experience -- or tell me why you put that you  
25 thought Dr. Irani received criticism well.

1 A: The discussions that we've had. I mean, he never  
2 argues or is argumentative about it. I think that he,  
3 you know, in general we've had discussions and he  
4 receives the criticisms I've brought up on things that  
5 he needs to work on very well.

6 Q: Okay.

7 A: So yeah, I've never, again, as I told you before I  
8 think he has a very in general pleasant personality.  
9 I'm not sure I've seen him getting upset very much.

10 Q: And then the next comment under how could this resident  
11 improve, you state, I believe he needs to reevaluate if  
12 orthopedics is what he really wants to do. I believe  
13 he is an amazing person, possibly in the wrong  
14 expertise. Speaking with him I'm not sure he doesn't  
15 agree. I believe him to have a genuine and warm  
16 personality locked into an orthopedic closet trying to  
17 get out. I enjoyed our conversation. Serious  
18 reservations of where he is in life right now. Is it  
19 fair to say that you were trying to have Dr. Irani  
20 reevaluate whether he really wants to be in the  
21 program?

22 A: I wanted Dr. Irani to seriously evaluate whether he was  
23 happy doing what he was doing.

24 Q: In your discussions with Dr. Irani, did he indicate to  
25 you that orthopedics is what he's always wanted to do?

1 look into talking to some people for him.

2 (Plaintiff's Exhibit Number 9 was marked for identification  
3 purposes.)

4 Q: Let me show you Exhibit 9. Do you recognize Exhibit 9?

5 A: Yes.

6 Q: This looks like some follow-up correspondence from Dr.  
7 Irani to -- how do you pronounce that? Is that  
8 Hanypsiak?

9 A: Hanypsiak. Yeah. That's pretty --

10 Q: And then some additional contact from other industry  
11 people; right? That you --

12 A: Yes. DonJoy Orthopedics is a brace company based in  
13 San Diego, in Vista, California.

14 Q: At this point did you think Dr. Irani was better suited  
15 to do something in industry rather than be an actual  
16 clinical practitioner?

17 A: I did after my talk with him. That's why I in general,  
18 I thought that that was something he seemed passionate  
19 about whereas I did not think he seemed very passionate  
20 about orthopedics.

21 (Plaintiff's Exhibit Number 10 was marked for identification  
22 purposes.)

23 Q: Okay. Show you Exhibit 10.

24 A: Okay.

25 Q: I guess that's probably more of the same?

1 Q: Do you remember who asked you to write the letter?

2 A: I do not.

3 Q: Did you ever provide a copy of this letter to Dr.  
4 Irani?

5 A: I don't recall.

6 Q: Okay. In the second paragraph --

7 A: First page?

8 Q: Yes. On the first page. That last sentence says,  
9 however, Dr. Irani has been involved in a number of  
10 incidents that I'm sure you all, or you are well aware  
11 of?

12 A: Uh-huh (affirmative response).

13 Q: I think we talked earlier about this. None of the  
14 incidents that were raised in the grievance committee  
15 had anything to do with any of your --

16 A: Correct.

17 MS. THOMAS: Object to the form.

18 BY MR. ROTHSTEIN:

19 Q: So you had no direct knowledge involvement in any of  
20 those --

21 MS. THOMAS: Object to the form.

22 A: Outside of the context of what I would have been  
23 exposed to in the department.

24 BY MR. ROTHSTEIN:

25 Q: Well, you didn't do any independent evaluation of those

1 patient records or speak to any of the actual patients  
2 or the residents involved in those patients' care?

3 A: No. I only spoke to Dr. Irani.

4 Q: Your e-mail address is I think jegdr@aol.com?

5 A: That's one of the two. Yes.

6 Q: Do you still use that e-mail address?

7 A: Yes.

8 Q: Have you looked through your e-mail account for any  
9 e-mails related to Dr. Irani?

10 A: Yes.

11 Q: What other e-mail address do you use?

12 A: The jguy@uscmed.sc.edu. I believe that's what it is.

13 Q: Have you looked through that e-mail account for any  
14 e-mails relating to Dr. Irani?

15 A: Yes.

16 Q: I may be about done. Let me see if Afraaz is here.

17 A: Okay.

18 Q: Give me two minutes.

19 A: Sure.

20 (Break - 4:05 p.m.-4:11 p.m.)

21 BY MR. ROTHSTEIN:

22 Q: I've got a couple of questions, Dr. Guy.

23 A: Sure.

24 Q: You mentioned the Sunday night meetings that  
25 occasionally Dr. Irani would kind of come by and just

1 rounds in the mornings. Is that something you  
2 personally observed or is that something you heard  
3 about?

4 A: That was something that approvably was, it was my  
5 memory but that's based off I think probably during  
6 resident component of the faculty meeting.

7 Q: Did you ever personally observe Dr. Irani being late to  
8 morning rounds?

9 A: No.

10 Q: Do you recall an incident where Dr. Irani arrived late  
11 to the operating room?

12 A: Not a specific one. But he has done it. Yes.

13 Q: Okay. Do you recall one time when Dr. Irani and Dr.  
14 Goodno were both late to the operating room?

15 A: Not specifically.

16 Q: Do you know whether the operating room nurse forgot to  
17 tell you that Dr. Irani had called to tell you that he  
18 was going to be late?

19 A: I can tell you that it wasn't one time that it  
20 happened.

21 Q: In this Exhibit 11 that you wrote to the grievance  
22 committee --

23 A: Yes.

24 Q: -- was your intent in that letter to convey to the  
25 grievance committee that Dr. Irani, that his talents